

Amendment No. 1 to SB0772

Crowe  
Signature of Sponsor

**AMEND Senate Bill No. 772\***

**House Bill No. 1385**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 33-6-901, is amended by adding the following new subsection:

(d) Any prescreening agent, physician, or licensed psychologist, while acting pursuant to § 33-6-404(3)(B), shall be considered a state employee for the purposes of title 8, chapter 42, when assessing a person's need or absence of need for physical restraint during transportation to a psychiatric hospital or a person's need or absence of need for secure transportation to a psychiatric hospital. Neither the sheriff nor any entity that employs such a prescreening agent, physician, or licensed psychologist shall be held civilly liable for any acts performed by the prescreening agent, physician, or licensed psychologist while acting in furtherance of § 33-6-404(3)(B), solely for the purpose of determining whether any person identified in subdivision (a)(1)(D) may transport a person pursuant to this section.

SECTION 2. Tennessee Code Annotated, Section 33-6-901(b), is amended by adding the following language at the end of the subsection:

Any person listed in subdivision (a)(1)(D) who transports a person with mental illness or serious emotional disturbance pursuant to this section to a psychiatric hospital shall be responsible for all costs of transportation to and from the psychiatric hospital and shall sign a form indicating that such person agrees to pay any and all costs associated with transporting the person with mental illness or serious emotional disturbance pursuant to this section.

SECTION 3. Tennessee Code Annotated, Section 8-42-101(3), is amended by adding the following as a new appropriately designated subdivision:

( ) "State employee" also includes any prescreening agent, physician, or licensed psychologist, while acting pursuant to § 33-6-404(3)(B), who is engaged in assessing a person's need or absence of need for physical restraint during transportation to a psychiatric hospital or a person's need or absence of need for secure transportation to a psychiatric hospital.

SECTION 4. The department of mental health and developmental disabilities shall develop a form to implement the provisions of this act.

SECTION 5. Section 4 of this act shall take effect upon becoming a law, the public welfare requiring it. All remaining sections of this act shall take effect July 1, 2009, the public welfare requiring it.